

S.I. 41 of 2009**BROADCASTING AND TELECOMMUNICATIONS
ACT, 2000***(Act 2 of 2000)***Broadcasting and Telecommunications (Records of
Customers of Prepaid Mobile Services by Operators of
Public Land Mobile Network) Regulations, 2009**

In exercise of the powers conferred by section 38 of the Broadcasting and Telecommunications Act, 2000, the Minister of National Development makes the following Regulations—

1. These Regulations may be cited as the Broadcasting and Telecommunications (Records of Customers of Prepaid Mobile Services by Operators of Public Land Mobile Network) Regulations, 2009, and shall come into operation on 1st April, 2009.

Citation

2. In these Regulations—

Interpretation

“customer” means a person who subscribes to a prepaid mobile service with a Service Provider;

“prepaid mobile service” means a mobile telephone service where a customer pays in advance for that service;

“Public Land Mobile Network” means a network—

(a) based on technologies which include—

(i) Global System for Mobile; and

(ii) Third Generation Networks based

on a standard within the IMT-2000 system; and

- (b) established and operated for the purpose of providing telecommunication mobile services to the public;

“Service Provider ” means a legal entity licensed under the Licenses Act to provide prepaid telecommunication mobile services to the public.

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Service Provider to keep records of its customers

3. (1) A Service Provider shall keep records of customers for a period of three years.

(2) The records kept by the Service Provider shall contain such customer details as specified in these Regulations to enable the identity of that customer to be reasonably ascertainable.

Customer Records

4.(1) An individual upon purchase of—

- (a) a starter pack; or
(b) a subscriber information module card,

for or with the purpose of accessing prepaid mobile service shall provide to the Service Provider , the details specified under Schedule I Part I.

(2) An individual shall provide to the Service Provider his or her—

- (a) passport;
(b) National Identity Card; or
(c) Seychelles driving license,

for the purpose of identification.

(3) A body corporate or an unincorporated body upon

purchase of—

- (a) a starter pack; or
- (b) a subscriber information module card,

for or with the purpose of accessing prepaid mobile service shall provide to the Service Provider, the details specified in Schedule 1 Part 2 and the Service Provider shall retain the document referred to in subregulation 4.

(4) A body corporate or an unincorporated body shall provide to the Service Provider a document from a duly authorised person of the body corporate or unincorporated body—

- (a) specifying its name and address;
- (b) specifying its business number or registration details;
- (c) allowing for subscription to prepaid mobile service on its behalf.

(5) A Service Provider shall verify the identity of the customer from the document provided under subregulation (2) and (4) and retain—

- (a) the details specified under Schedule 1; and
- (b) the document referred to in subregulation (4),

as a record for that customer.

(6) A customer shall inform the Service Provider as and when the details change so that the customer record kept by the Service Provider is accurate.

(7) A Service Provider shall take all the necessary security measures to prevent unauthorized access to or disclosure of the customer record.

(8) A Service Provider shall make available the customer records for inspection and disclosure on request in accordance with any written law.

Service
Provider to
inform
customers

5. A Service Provider shall inform the customers of prepaid mobile service the requirement to disclose details as specified under Schedule 1 on the commencement date of these Regulations.

Conditions for
de-activation
of service by
Service
Provider

6. Subject to Regulation 11, a customer who—

- (a) upon purchase or being in possession of a subscriber information module card or starter pack on or after the commencement date of these Regulations fails to disclose details as specified under Schedule 1;
- (b) intentionally misleads or makes a false statement to the Service Provider upon purchase of the starter pack or subscriber information module card; or
- (c) fails to inform the Service Provider within forty eight hours of the—
 - (i) loss;
 - (ii) gift; or
 - (iii) sale,

of the subscriber information module card to another person,

shall have its provision of mobile prepaid service de-activated by the Service Provider.

Emergency
Calls

7. Where a mobile prepaid service has been de-activated by the Service Provider, the customer shall not be

allowed to effect voice and non-voice call origination, except for emergency calls.

8. A Service Provider shall take all reasonable steps to ensure that a customer of prepaid mobile service does not use that service for an unlawful purpose.

Service not for unlawful purpose

9. Notwithstanding any written laws to the contrary, these Regulations shall prevail.

Regulations to prevail

10. These Regulations shall apply as condition of a Public Land Mobile Network license issued by the Seychelles Licensing Authority to a Service Provider.

Condition for license

11.(1) A customer who is in possession of a subscriber information module card or starter pack immediately before the commencement date of these Regulations shall disclose details specified under Schedule 1 within a period of six months after the commencement date of these Regulations.

Transitional Provision

(2) A customer who fails to disclose the details specified under Schedule 1 within the time period specified in subregulation(1) shall have the provision of mobile prepaid service de-activated by the Service Provider.

SCHEDULE 1

Part I

Details to be provided if customer is an individual

1. Surname of customer.
2. First name of customer
3. The national identity number of a customer who is a Seychellois national or resident of Seychelles.

4. Passport number of a customer who is a non-resident.
5. Any information that may be required by the Minister.

Part 2

Details to be provided if customer is a body corporate or an unincorporated body

1. Name and address of customer.
2. Business number or registration details of customer.
3. Written authorisation by a duly authorised person of the body corporate or unincorporated body allowing for subscription to prepaid mobile service on its behalf.
4. Any information that may be required by the Minister.

MADE this 31st day of March, 2009

JACQUELIN DUGASSE
MINISTER OF NATIONAL DEVELOPMENT
